

September 24, 1997

**OFFICE OF THE HEARING EXAMINER**  
**KING COUNTY, WASHINGTON**

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Seattle, Washington 98104  
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**REPORT AND DECISION**

**SUBJECT:** Department of Development and Environmental Services File No. **L9700197**

**COALFIELD CROSSING**

Proposed Plat Alteration

Location: Southeast 125<sup>th</sup> Street; Lot 14 and Tracts A and E

Applicant: Chaffey Corporation  
P.O. Box 560  
Kirkland, WA 98033

**SUMMARY OF RECOMMENDATIONS:**

Department's Preliminary:	Approve requested alteration
Department's Final:	Approve requested alteration
Examiner:	Approve requested alteration

**PRELIMINARY MATTERS:**

Application submitted:	April 28, 1997
Notice of complete application:	May 27, 1997

**EXAMINER PROCEEDINGS:**

Hearing Opened:	September 18, 1997
Hearing Closed:	September 18, 1997

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**ISSUE ADDRESSED:**

- Plat alteration

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

General Information:

Owner:	Chaffey Corporation 205 Lake Street, Suite 101 Kirkland, WA 98033
Location:	SE 125 <sup>th</sup> Street; Lot 14 and Tracts A and E
STR:	Sec. 11, T. 23N, R. 5E, W.M.
Zoning:	R5P
Proposal:	A Plat alteration to revise access and shape of Lot 14, Coalfield Crossing. No change in the number of lots within the plat.
Date Application Filed:	April 28, 1997
Complete Application Date:	May 27, 1997

2. Chaffey Corporation (the "Applicant") proposes to alter the plat of Coalfield Crossing by revising the access and shape of Lot 14.

As presently drawn and adopted, access to Lot 14 is obtained via a "panhandle" lot portion which extends to "Tract B" which, in turn, connects to Southeast 125<sup>th</sup> Street. The proposed alternative access would be achieved by trading a portion of Lot 14 with sensitive area Tract E. The Department's wetland evaluation staff has visited the site and has concluded that the proposed access is superior to the originally platted access.

3. An environmental impact statement is not required. See Section C of the Department's report to the Examiner, dated September 3, 1997 (exhibit no. 2), and the Department's August 14, 1990 Mitigated Threshold Determination of Nonsignificance (exhibit no.5). WAC 197-11-600(2)(4)(a) exempt this proposed plat from threshold determination because it is minor and without significance.
4. The Department recommends granting approval to the proposed plat alteration, subject to the three conditions which are stated on page 3 of this Examiner's report.
5. The Applicant accepts the Department's recommendation.
6. Two interested persons attended the public hearing. However, no person or agency opposed the proposed plat alteration. The planned access design addresses the drainage concerns of interested neighboring property owners, according to the hearing record.
7. The September 3, 1997 King County Land Use Services Division's preliminary report to the King County Hearing Examiner (exhibit no. 2), for the September 18, 1997 public hearing, is accurate. Consequently, it is adopted and incorporated here by this reference. Copies of the Department's report will be attached to that copy of this report which is filed for permanent record.

CONCLUSIONS:

Given the views and comments of County wetland analysts, the proposed alteration will provide a more practical and environmentally sensitive access to Lot 14 than the one originally established. KCC 20.24.195 requires findings which apply to Examiner's reports addressing preliminary plats. In essence, KCC 20.24.195 requires that the public use and interest will be served by the proposed platting action and that the various elements of public services and facilities are appropriately provided. Among the various public service and facility criteria, the only conceivably affected elements of public interest listed in KCC.24.195 are these: open spaces, drainage ways, streets or roads. A review of the public record in this case leads to a clear conclusion that is entirely consistent with these elements of KCC 24.24.195 if approved subject to the conditions recommended by the Department. Those conditions are restated in the decision which follows.

DECISION:

APPROVE the proposed plat alteration of Coalfield Crossing (DDES file No. L9700197), subject to the following conditions:

1. The Applicant shall submit a final drawing of the proposed alteration to DDES which is signed by all persons with an ownership or security interest in the property to be altered.
2. The new access easement shall be paved and the bollards moved to the east end of the easement.
3. The portion of Lot 14 converted to open space shall be equal to that portion of Tract A converted to Lot 14.

ORDERED this 24th day of September, 1997.

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R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 24th day of September, 1997, to the following parties and interested persons:

Craig/Deneice Branson  
Jon Nelson/Triad Associates  
Aileen Zavales/Chaffey Corporation

Steve/Johanna Craig  
Phung Kiet/Rose Ong

Habakruk Evans  
Frank Kampson

Marilyn Cox, DDES/LUSD, SEPA Section  
Paul Eichhorn, DDES/BSD, Site Engineering & Planning  
Gary Kohler, DDES/LUSD, Site Plan Review Section  
Michaelene Manion, DDES.LUSD, Site Plan Review Section  
Bruce Whittaker, DDES/LUSD, Engineering Review Section

NOTICE OF RIGHT TO APPEAL  
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the Metropolitan King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before **October 8, 1997**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the Metropolitan King County Council on or before **October 15, 1997**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the decision of the Hearing Examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE PUBLIC HEARING OF COALFIELD CROSSING PLAT ALTERATION  
DDES FILE NO. L9700197, SEPTEMBER 18, 1997:

R. S. Titus was the Hearing Examiner for this matter. Participating in the hearing were Habakruk Evans, Steve Craig, Aileen Zavales/Chaffey Corp., and Gary Kohler/DDES-LUSD-Site Plan Review Section.

The following Exhibits were offered and entered into the record on September 18, 1997:

- Exhibit No. 1 Department of Development and Environmental Services File No. L9700197, Coalfield Crossing proposed plat alteration
- Exhibit No. 2 Department of Development and Environmental Services preliminary staff report, File No. L9700197, Coalfield Crossing proposed plat alteration
- Exhibit No. 3 Coalfield Crossing proposed plat alteration, L9700197, application dated April 28, 1997
- Exhibit No. 4 Coalfield Crossing proposed plat alteration, L9700197, environmental checklist dated April 28, 1997
- Exhibit No. 5 Mitigated Determination of Nonsignificance
- Exhibit No. 6 Affidavit of posting indicating July 11, 1997 as date of posting and July 11, 1997 as the date the affidavit was received by the Department of Development and Environmental Services.
- Exhibit No. 7 Plat map, dated April 28, 1997
- Exhibit No. 8 Plat alteration, dated April 28, 1997
- Exhibit No. 9 Assessors map SE 11-23-5
- Exhibit No. 10 2 photographs of area of proposed plat alteration
- Exhibit No. 11 Plat plan showing new driveway to house
- Exhibit No. 12 Letter, dated September 18, 1997, from Bernard Thompson/DDES, to Tom Brown/Chaffey Corporation
- Exhibit No. 13 2 photographs of area of proposed plat alteration showing erosion

RST:vam  
plat alterations\L9700197\Coalfield Crossing report